

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA, :
v. : CRIMINAL CASE NO.
FABIAN ROBINSON, : 1:21-CR-0038-MLB-JSA
Defendant. :

REPORT AND RECOMMENDATION

The Court held a pretrial conference on May 10, 2021. At the conference, the parties indicated that certain discovery remained potentially outstanding and Government counsel indicated that the Government would likely be able to investigate the potential additional discovery and produce any remaining materials within two weeks. Thus, the Court re-set the pretrial conference for May 24, 2021 at 9:30. The Court finds that the ends of justice in granting this continuance outweighs the Defendant's and the public's rights to a speedy trial pursuant to 18 U.S.C. § 3161 because it is necessary to ensure that all discovery has been produced.

Further, the Court discussed the pending Motion to Suppress Evidence [19]. The Motion refers to two statements that Defendant allegedly made, first on September 2017 to "lost prevention officers" associated with his former employer

(Wells Fargo), and second on July 2019, to FBI agents. The Motion appears to request suppression of all of these statements. However, at the pretrial conference, Defendant's counsel confirmed that the Motion does not allege any governmental action vis-à-vis the September 2017 questioning by Wells Fargo "lost prevention officers," and counsel clarified that the Motion does not seek suppression of such statements on the basis of the constitutional grounds identified in the Motion. To the extent that the written motion could be read more broadly, the Court thus **RECOMMENDS** that the **MOTION** be **DENIED, IN PART**, as it relates to the September 2017 statements.

The Court **DEFERS** the remainder of this Motion to Suppress Statements [19], that is, as it relates to the July 2019 questioning by FBI agents, to the District Judge.

IT IS SO **RECOMMENDED** this 12th day of May, 2021.



JUSTIN S. ANAND
UNITED STATES MAGISTRATE JUDGE